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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,911

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Orlando W. Stephenson III

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PRICE HENEVELD COOPER DEWITT & LITTON, LLP
695 KENMOOR, S.E.
P O BOX 2567
GRAND RAPIDS, MI 49501

EXAMINER

DUFFY, DAVID W

ART UNIT

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3714

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DELIVERY MODE

02/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/810,911	Applicant(s) STEPHENSON ET AL.	
	Examiner DAVID W. DUFFY	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This office action is in response to the amendment filed 12/05/2007 in which applicant amends claims 1, 8-9, 10, and 18 and adds claims 19-25. Claims 1-25 are pending.

Response to Amendment

2. The affidavit under 37 CFR 1.132 filed 12/05/2007 is insufficient to overcome the rejection of claims 1-18 based upon Cole (US 6475087) in view of Engلمان (US 2003/0157978) as set forth in the last Office action because:

3. It states that the claimed subject matter solved a problem that was long standing in the art. However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04.

4. It include(s) statements which amount to an affirmation that the affiant has never seen the claimed subject matter before. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (US 6475087) in view of Englman (US 2003/0157978).

7. In regards to claims 1, 2, 5 and 6, Cole discloses a gaming machine with a cabinet defining an internal space with a moveably mounted door that has an enlarged opening (2:16-32 and fig 2) and a sheet mounted to the door and extending across a portion of the opening with a portion being see through (fig 1). Cole further discloses that the replaceable door subassembly is advantageous in that it reduces the costs associated with modifying the games within the machine (1:40-49). Cole lacks disclosing a cross member across the opening.

8. In related prior art, Englman discloses a gaming system with two video displays with a dividing cross member (fig 1) where the upper display is for bonus information and either the upper or lower display may be a mechanical reel or video display device (par 25). One skilled in the art would recognize the advantages of providing more displays to provide information and entertainment to the player in order to keep the player interested in the game while separating the displays with a cross member to avoid confusing the player by merging the displays.

9. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Englman to have included a second display with a separating cross member in order to provide more information and entertainment to the player while not confusing the player by merging the displays. The combination made does not explicitly disclose that the cross member would be removable and vertically adjustable.

10. However, in order to attach a cross member in the system of the combination of Cole and Englman one skilled in the art would recognize that there are limited options in how to attach the cross member: fixable attachment of the member to the door, fixable attachment to the replaceable display sheet or mount of Cole, removable attachment to the door, or removable attachment to the replaceable display sheet or mount of Cole.

As Cole already teaches that it is desirable to have a display sheet or mount that is replaceable and removable in order to ease the modification of a gaming machine, it would have been obvious to one skilled in the art at the time that providing removable attachment cross members would be desirable and with only two places to choose from it would be obvious to try attaching the cross member to the display sheet or mount.

11. In regards to claims 3 and 4, Cole discloses that a portion of the sheet is transparent and a portion reduces the transmissibility of light (6:44-53 and fig 1).

12. In regards to claim 7, the combination made does not disclose that the bonus display includes progressive information; however, as the display of Englman provides bonus information and a progressive is a type of bonus it would have been obvious to one skilled in the art to replace the bonus information of the combination with a progressive bonus instead as such a modification would have been mere replacement of one bonus game type for another.

13. In regards to claims 8, 9, 10, 15, 16, 18-25, Cole discloses a door having an inner side facing the internal space (fig 2) with mounting structure to hold replaceable screens in place (figs 2 and 5, element 74) including elements to secure the display sheet to the door (7:2-4). Cole further discloses that the replaceable door subassembly

is advantageous in that it reduces the costs associated with modifying the games within the machine (1:40-49). Cole lacks in explicitly disclosing a bezel with an enlarged opening with the cross member secured thereto or that the door and cross member include includes beveled outer surfaces.

14. In related prior art, Englman discloses a gaming system with two game display devices that may be mechanical or video gaming displays (par 25) with beveled outer surfaces adjacent to the vertical side edges and a cross member with beveled opposite end portions that fit against the beveled outer door surfaces (fig 1). One skilled in the art would recognize the advantages of two displays to provide more visual entertainment as well as a smooth beveled surface in providing an enticing look to attract players.

15. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Cole in view of Englman to have included the dual displays with beveled surfaces as trim in order to provide an attractive look to players.

16. The combination made lacks an inner mounting plate or bezel that the cross bar is attached thereto. However, Cole already discloses a system intended to provide an easily customizable game cabinet to switch between types of games, in light of the teachings of the second gaming devices Englman it would have been obvious to try a mounting plate or bezel attached to the door to swap display types in lieu of replacing the entire door assembly and in order to attach a cross member, one skilled in the art would recognize that there are limited options in how to attach the cross member: fixable attachment of the member to the door, fixable attachment to the replaceable

display sheet or mount of Cole, removable attachment to the door, or removable attachment to the replaceable display sheet or mount of Cole. As Cole already teaches that it is desirable to have a display sheet or mount that is replaceable and removable in order to ease the modification of a gaming machine, it would have been obvious to one skilled in the art at the time that providing removable attachment cross members would be desirable and with only two places to choose from it would be obvious to try attaching the cross member to the display sheet or mount.

17. In regards to claim 11, Cole discloses a screen secured to the door across a substantial portion of the opening in the door (figs 1 and 2 and 2:16-32).

18. In regards to claim 12, the screen of Cole covers the display area (figs 1 and 2) and would inherently have to be adjacent to a display dividing cross member.

19. In regards to claims 13 and 14, Cole discloses that a portion of the sheet is transparent and a portion reduces the transmissibility of light (6:44-53 and fig 1).

20. In regards to claim 17, the combination made does not disclose that the bonus display includes progressive information; however, as the display of Englman provides bonus information and a progressive is a type of bonus it would have been obvious to one skilled in the art to replace the bonus information of the combination with a progressive bonus instead as such a modification would have been mere replacement of one bonus game type for another.

Response to Arguments

21. Applicant's arguments filed 12/05/2007 have been fully considered but they are not persuasive. In response to applicant's interview summary, examiner would like to

correct on the record that the interview included Primary Examiner Corbett Coburn and not Supervisory Patent Examiner Pezzuto.

22. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

23. Cole teaches replaceable door subassembly sheets or mounts in order facilitate rapid and inexpensive game replacement and modification. Englman teaches a dual display gaming system. Using the teaching of Englman that two displays are desirable in gaming applications and the teachings of Cole that replaceable display mounts reduce the time and cost of game modification and updating one would find it obvious to also allow for the modification of the size of the display as displays commonly change size over time, e.g. large flat screen displays as compared to older small crt displays.

24. In regards to applicant's argument that one would not have a reasonable expectation of success, one familiar with construction would reasonably expect nails, screws, bolts and nuts, welding, gluing, clips, hangers, fasteners, etc to all achieve the goal of fixably holding a piece of trim to a flat sheet, only varying in the strength of the hold and the ease of removal. Attaching a piece of trim with a bolt instead of by weld does not produce unexpected results. The piece of trim would still be attached and one would obviously recognize that a bolt is easier to undo than a weld.

25. With respect to applicant's arguments that the references do not provide a specific suggestion or teaching to combine the prior art, KSR forecloses the argument that a *specific* teaching, suggestion, or motivation is required to support a finding of obviousness. See *Ex parte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396).

26. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID W. DUFFY whose telephone number is (571)272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. W. D./

Examiner, Art Unit 3714

//Corbett B. Coburn//

Primary Examiner, Art Unit 3714